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December 10, 1958

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OCT 01 1998

CONCORD, N.H.

Mr. Paul E. Farnum
Deputy Commissioner of Education
State House Annex
Concord, New Hampshire

Dear Mr. Farnum:

This is in reply to your letter of December 8, 1958 in which you raise three questions concerning the conduct of town and school meetings.

As you know, this office has no jurisdiction to render official opinions on such matters and accordingly the statements contained in this letter should not be treated as such. We are, however, setting forth below your questions and our opinion as to the proper answers for whatever value it may have in assisting you in performing your duties as a State official.

1. Is it illegal to conduct a school district meeting and a town meeting at the same time in the same room?
Answer: Yes. Towns and school districts are distinct separate legal entities under the law. Accordingly the functions of one, including the conduct of meetings, may not be co-mingled or interfered with by the functions of the other. There is no reason, however, why the school meeting and the town meeting may not be held on the same day and at the same place providing the meetings are conducted separately.
2. May the school district warrant be considered where the town meeting is being held but during a period when the polls are still open for town balloting?
Answer: Yes, providing there is no interference of the town meeting by the school meeting. It must be made clear to the voters, however, that voting on town matters and voting on school district matters are entirely separate and distinct.
3. May a school district and town officers be elected on the same ballot such as the school district officers being listed on a non-partisan ballot used at a town meeting?
Answer: No, for the reasons expressed in our answer to Question #1.

Mr. Paul E. Farnum
Deputy Commissioner of Education

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Because school districts and town are separate and distinct municipal corporations performing different functions and having different officers, common sense dictates that the better practice is to conduct school district and town meetings at different times.

Very truly yours,

GTR, Jr/m

George T. Ray, Jr.
Assistant Attorney General